

GENERAL LEGAL COUNCIL

ANNUAL REPORT

1ST APRIL, 2011 - 31ST MARCH, 2012

INTRODUCTION

The General Legal Council was established in January 1972 by the Legal Profession Act. Its statutory function is concerned with the legal profession and in particular the organization of legal education and the upholding of standards of professional conduct. By virtue of the Legal Education Act the General Legal Council's function as the Legal Education Authority is vested in the Council of Legal Education which is established by Agreement among several Commonwealth Caribbean countries.

Apart from Law Officers of the Crown and legal officers of Government who are ex officio entitled to practise as such, no person can lawfully practise as an attorney who does not hold a practising certificate issued by the General Legal Council. Practising Certificates are issued annually on payment of an annual fee.

The General Legal Council is required to appoint from among its members or former members, Judges or retired Judges and attorneys of not less than 10 years standing to the Disciplinary Committee which adjudicates on complaints of misconduct by attorneys in any professional respect.

The General Legal Council is authorized to make rules prescribing the standards of professional etiquette and professional conduct for attorneys and to direct that any specified breaches of such rules constitute misconduct in a professional respect.

The Council maintains a website at <http://www.generallegalcouncil.org/>.

The following is a report on the activities of the General Legal Council and the Disciplinary Committee during the twelve months ending on March 31, 2011.

GENERAL LEGAL COUNCIL

1. **MEMBERSHIP**

The Hon. B. St. Michael Hylton, Q.C. - Chairman

The Hon. Patrick Atkinson, Q.C. (from January, 2012)

Mr. Maurice Bailey (from June 2011)

Dr. the Hon. Lloyd Barnett

Mr. John Bassie

Mrs. Pamela Benka-Coker, Q.C.

Mr. Ransford Braham, Q.C. (until December, 2011)

Dr. Adolph Edwards

Mrs. Denise Kitson

Mr. John Leiba

Mr. Douglas Leys, Q.C.

Ms. Carlene McFarlane

Mr. Crafton Miller

The Hon. Justice C.D. Morrison

Mrs. Donna Scott-Mottley

Mrs. Jeanne Robinson-Foster, C.D.

Mr. George Soutar, O.D., Q.C.

Mr. Allan Wood, Q.C.

2. **MEETINGS**

During the period April 1, 2011 to March 31, 2012, a total of ten (10) regular monthly meetings were held as follows:-

2011: 27th April, 22nd June, 27th July, 28th September, 26th October, 23 November and 14th December

2012: 25th January, 29th February & 28th March

There was also a weekend retreat on June 11, 2011.

ATTENDANCE OF MEMBERS AT MEETINGS

NAMES	TIMES POSSIBLE	TIMES PRESENT	TIMES EXCUSED
The Hon. Michael Hylton, Q.C.	10	9	1
The Hon. Patrick Atkinson, Q.C.	3	1	-
Mr. Maurice Bailey	9	3	5
The Hon. Lloyd Barnett, O.J.	10	7	3
Mrs. P. Benka-Coker, Q.C.	10	10	-
Mr. John Bassie	10	9	-
Mr. Ransford Braham, Q.C.	9	3	-
The Hon. Mr. Justice C. D. Morrison	10	6	4
Dr. Adolph Edwards	10	9	-
Mrs. Denise Kitson	10	10	-
Mr. Douglas Leys, Q.C.	10	-	-
Ms. Carleen McFarlane	10	6	-
Mr. Crafton Miller	10	4	5
Mrs. Donna Scott-Mottley	10	6	4
Mrs. Jeanne Robinson-Foster, C.D.	10	4	4
Mr. George Soutar, O.D., Q.C.	10	3	4
Mr. Allan Wood, Q.C.	10	7	2

3. GENERAL LEGAL COUNCIL SUBCOMMITTEES

The following subcommittees were established and chaired as indicated:

- (a) Continuing Legal Professional Development – initially chaired by Mr. Ransford Braham, Q.C. and then by Mrs. Donna Scott-Mottley
- (b) Information Technology – Chaired by Mrs. Denise Kitson
- (c) Proceeds of Crime Act – Chaired by Mr. Allan Wood, Q.C.
- (d) Protection of Clients’ Assets – Chaired by Dr. Lloyd Barnett
- (e) Accounting Reports – Chaired by Mr. John Leiba

(f) Regulatory Reform – Chaired by Dr. Lloyd Barnett

4. STAFF

As at April 1, 2010 the employees of the Council were:

Miss Althea Richards	Secretary
Mrs. Jeanne Barnes	Attorney-at-law (Part-time)
Miss Dahlia Davis	Administrative Officer
Miss Jeanie McLeod	Records Clerk/Typist
Mrs. Janet Francis-Wright	Filing Clerk/Typist
Miss Fay Williams	Receptionist/Typist
Miss Cecile Johnson	Receptionist/Typist
Miss Tanya Ferril	Clerk/Typist
Miss Donette McLean	Receptionist
Miss Angella Moses	Office Attendant/Bearer
Miss Eulalee Steele	Office Help

5. SALARIES

In 2011, the Council approved a 12% increase in salaries.

6. GENERAL LEGAL COUNCIL'S STAFF PENSION FUND

The Chairman of the Trustees, Mrs. P. Benka-Coker, advised that the pension fund was severely underfunded and that the Trustees suggested that the Council increase its contribution from 5% to 10%. The Council agreed. The staff was asked to match the increased contribution, however, only one person was able to do so.

7. ENQUIRIES ABOUT ATTORNEYS' STATUS

The Council decided that if other regulatory bodies ask whether attorneys are in good standing or whether there are pending disciplinary proceedings, they should be told the details of any pending complaints.

If other persons enquire, the Council will notify the attorney involved and ascertain whether he/she wishes the Council to disclose the details of the complaint. If he does not, the Council will only indicate that there is a pending complaint.

If an attorney is not in good standing because he/she has not complied with any regulations (including the accounting regulations) or as a result of a decision of the Disciplinary Committee, persons who enquire will be told that the attorney is not in good standing.

8. COMPLIANCE WITH ACCOUNTING REGULATIONS

In February 2012, over 1,000 emails and letters were sent to attorneys who were not in compliance with the accounting regulations. A significant number have responded, and indicated their intention to comply with the regulations.

9. APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE

Appeals have been filed by Messrs. Harold Brady and Hugh Levy against decisions made against them. Eleven appeals are pending.

10. CONTINUING LEGAL EDUCATION

The Council continued to partner the Bar Council in the arranging of CLE Seminars. Three (3) seminars were held during the year under review on June 25, 2011, November 19 -20, 2011 and February 18, 2012.

11. REFORM OF THE LEGAL PROFESSION ACT AND CANONS

There were a number of changes re the persons holding the positions of Minister of Justice and Attorney General during the year under review. Council met with and briefed each incoming Minister/AG in relation to the Bill to amend the Legal Profession Act. There were also continued consultation with and representations by the Bar.

Further revisions were made to the Bill, and the Minister undertook to lay the Bill in the Senate early in the next parliamentary year.

12. COMPENSATION FUND

The Bill contains provisions for the establishment of a compensation fund and to authorize the Council to regulate and administer it. The Council has started preparations for this task.

13. PROCEEDS OF CRIME ACT

By letter dated November 15, 2010, the Bank of Jamaica advised the Council that it had been requested by the Office of the Prime Minister to co-ordinate the implementation of a regime which would extend the anti-money laundering regime established under the Proceeds of Crime Act to designated non-financial businesses and professions, including attorneys-at-law. Consequent on that communication, representatives of the Council and the Jamaican Bar Association followed up with meetings with representatives of the Bank of Jamaica and on February 28, 2012, the Bank of Jamaica presented a position paper on the matter.

A Committee of the Council has examined the Bank of Jamaica's paper to make proposals, primarily as to the legislative model which would be favoured to regulate attorneys under the Proceeds of Crime Act and the role of the Council in such a regime as the responsible regulatory body for the profession.

14. COMPUTERIZATION OF GENERAL LEGAL COUNCIL OPERATIONS

The Council has made significant progress in automating its operations. Communication with attorneys has been greatly improved.

The Council's website has been upgraded and a great deal of information is now available there, including the Legal Professions Act, the Canons and all regulations made under the Act, decisions of the Disciplinary Committee, judgments of the Court of Appeal and the Privy Council in relation to disciplinary matters, and regularly updated lists of attorneys who have been struck off and who hold current practising certificates. Many more changes are planned.

The Information Technology Committee has also embarked on an exercise to rationalize the Council's database of attorneys to obtain current and accurate information in relation to practising attorneys. It is intended that the revised data will be accessible on the website.

15. MANAGEMENT COUNSULTANT

The Council decided to get a professional management consultant to advise on its operational structure.

After a tender process, PricewaterhouseCoopers was chosen to undertake the assignment to review the Council's operations and make recommendations as to how to improve them.

A full report was received from PricewaterhouseCoopers which the Council is considering.

16. DISPOSAL OF OLD FILES

It was decided that the Council's files should be kept for a period of 15 years after which they could be destroyed. However, before they are destroyed, all original documents should be removed and a record made of the decisions.

Files being destroyed must have been completed with nothing pending. Files relating to complaints that were not pursued can also be destroyed.

17. ACCOUNTS OF THE GENERAL LEGAL COUNCIL

The Council's accounts have now been audited up to the financial year 2010-2011.

18. PRACTISING CERTIFICATE FEES

The following fee structure was in effect on 1st January, 2012:

0 - 2 years	\$ 5,000.00
3 -5 years	\$ 8,000.00
6 -10 years	\$12,000.00
11 - 14 years	\$15,000.00
15 years & over	\$20,000.00

It is estimated that there are more than 3,000 attorneys on the roll. In 2011/2012 1,391 attorneys held practising certificates. The Council has published on its website and in the newspaper, a list of attorneys who are entitled to practise by virtue of their having paid their practising certificate fees. The Council is also working with the Chief Justice, the Registrar of Titles and other relevant departments to ensure that persons who are not entitled to practice are not allowed to do so.

19. APPLICATIONS FOR ENROLMENT

Applications for qualifying certificates were received from the following 127 persons and approved:

Icah Peart	Lisa-Marie Elliot
Raymond Garth Emile Samuels	Narda Graham
Kashaka Abayomi Smith	Erika-Rae Miller-Rowe Harvey
Nicola Rosemarie Murray	Daine K. Hinds
Phillip Cross	Alecia Kerry-May Johns
Katrina Jayne-Anne Yearwood	Kristopher Shandar Nathan
Howard Anthony Patrick	Khadine Alecia Nurse
Anna-Kae Alicia Cherisa Mais	Janet P. Pitter
Oni K. Taffe	Lincoln V. Walters
Damon Blair	Janelle Patrice Nelson
Kamille Grace Adair	Dale Jordell Austin
Matthieu Hugh Jabin Beckford	Kellee-Gai Blake-Smith
Tashana Mellissa Blythe-Wilson	Bobbette Brown
Joel Oscar Brown	Marion Sophia Brown
Carissa J. Bryan	Georgia Cordelia Buckley
Allion Rosie-Ann Campbell	Karen Antonette Campbell
Kimberly Venetia Cardoza	Daniel A. Chacko-Wilmot
Nicholas Constantine Chambers	Sandy-Lue Victoria Cole
Coleen Coleman-Wright	Krystal Jeanine Corbett
Emily Melony Crooks	Michelle Ann Cousins
Charmaine Creary-Beckford	Kimm Carol Daley
Altoria Davis	Rachael Collins Dibbs
Laura Marie Edwards	Milton Roy Edwards
Monique Andrea Edwards	Stephanie Rose-Ann Edwards
Latoya Areta Error	Taneshia Tamara Evans
Andrew Foreman	Sherine S. Forrest
Rene C.K. Gayle	Angela Asha Grant
Anika Marie Gray	Lori-Ann Green
Lorna Jacqueline Green	James Ryan Glanville
Marva Stacie Annetta Hanson Burnett	Donnette Elain Henriques

Barbara Maureen Hines
 Carol Millicent Hughes
 Rohan Floyd Johnson
 Debbie Ann Kerr-Scott
 Khian Amelia Lamey
 Oraina Adenike Lawrence
 Allia Rhonda Leith
 Debbian Natasha Livingstone
 Rhonda C. Medley
 Celia Anne Middleton
 Renee Althea Ruth Davina Morgan
 Kerianne Simone Mitchell
 Kimberly Patrece Natalie McDowell
 Tenesha Patrice Myrie
 Courtney Binger Smith
 Krishna Antonette-Marie Smith
 Susan Smith
 Adonica Spence
 Richard George Stewart
 Kamaree Patrice Sweetland
 Terry Ann Wilmoth Valentine
 Georgia Marie Walker
 Denise Elizabeth West
 Sorayya Tannesia Melony Williams
 Venice Margurite Williams-Gordon
 Kimberly Veronica Yapp
 Kimberly Cadene Reynolds
 Tashica Dlaska Pearson
 Nicole Pierce
 Melissa Powell
 Marjorie Mohine Rajnauth-Nunes
 Cherie Romona Russell
 Kheri Osborne
 Malene Chagni Alleyne
 Veronica Bailey
 Mark Richards
 Karen Scott
 Gillian Haughton
 Mr. Drew St. Clair

Leone Marie Hines- Smith
 Roxanne Ramona Hutchinson
 Jassetta Carlette Jones
 Aletha A. Lambert
 Duwayne Charles Lawrence
 Susan Lawrence
 Kathryn Amanda Lewis
 Julaine Dionne Lumsden
 Gareth R. McDonald
 Shari Antoinette Elizabeth Moore
 Kimberly Alicia Morgan
 Fiona Njerie Murphy
 Marcellee Lucilla Jeanne Myers
 Karl Sebastian Singh
 Kera-Lloye Lyria Smith
 Nadine Fayann Smith
 Kori Anthony Soares
 Shereen L. Spence-Wilson
 Stephanie Oswaldene Sterling
 Beryl June Thomas-Blair
 Claudine Leonie Vanessa Woolery
 Merrick Ricardo Watson
 Catherine Julienne Fidler Williams
 Sue-Ann Simone Williams
 Jodiann White
 Marc Francis Ramsay
 Khadeen Palmer
 Tashakaye St. Clarie Perue
 Wayne Piper
 Carol Nelson-Perry
 Dennis Richards
 Tashika Tashani Russell
 Ibrahim St. Jude Adler
 Paola Sylvanie Delrose Arscott
 Orett Andre Brown
 Winston Reid
 Theresa Hanley
 Dahlia Klein

In 2011-2012 the Council approved one hundred and twenty-seven (127) applications. It is envisaged that there will be more than 170 in 2012-2013.

THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

The Disciplinary Committee of the General Legal Council has specific responsibility for the maintenance and enforcement of discipline in the legal profession by the examining and hearing of complaints laid against attorneys-at-law.

20. **MEMBERSHIP OF THE DISCIPLINARY COMMITTEE**

During the year under review, the following persons were appointed to serve on the Disciplinary Committee for 3 years, ending 30st September 2014:

Mrs. P. Benka-Coker, Q.C. - Chairman

Mr. David Batts

Miss Lilieth Deacon

Mr. Richard Donaldson

Mr. Winston Douglas

Mr. Lincoln Eatmon

Dr. Adolph Edwards

Miss Beryl Ennis

Mr. John Graham

Mr. Trevor Ho-Lyn

Mr. Christopher Kelman

Mrs. Ursula Khan

Mrs. Gloria Langrin

Mr. Jerome Lee

Mrs. Margaret Macaulay

Ms. Debra McDonald

Mr. Charles Piper

Mrs. Jeanne Robinson-Foster

Mr. Walter Scott

Dr. Randolph Williams

Mr. Allan Wood, Q.C.

Messrs. Patrick Foster, Q.C., Peter Champagnie, and Michael Thomas and Mrs. Judith Cooper-Batchelor were appointed in March 2012. Their tenure also ends on September 30, 2014.

During the year under review Mr. Stephen Shelton and Ms. Daniella Gentles resigned.

Mr. Christopher Bovell's and Miss Norma Linton, Q.C.'s tenure ended in September, 2011.

21. MEETINGS

During the period April 1, 2011 to March 31, 2012, a total of nine (9) meetings were held as follows:-

2011: 30th April, 28th May, 23rd July, 24th September, 22nd October & 26th November

2012: 28th January, 25th February & 24th March

22. SEMINARS

One seminar was held during the year under review, on January 28, 2012.

23. ORDERS MADE AGAINST ATTORNEYS

J. Vernon Ricketts was found guilty of professional misconduct for his failure to deliver a Certificate of Title to the complainant and his wife after having failed to add the wife's name to same. Mr. Ricketts was paid the sum of \$20,000.00 to complete the transaction but failed to do so. Mr. Ricketts has since been struck off and has not returned the complainant's title or money. The complainant will be forced to make a lost title application which will cost him approximately \$150,000.00. The attorney was ordered to pay costs to the complainant in the sum of \$170,000.00, \$150,000.00 being for the lost title application and \$20,000.00 being a refund of the fees. The attorney was also ordered to pay costs to the complainant in the sum of \$20,000.00.

The order was made on the 16th April, 2011.

Kenneth Carter was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver Accountant's reports to the Secretary of the General Legal Council for the years 2002, 2003 and 2004 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 for each year that he was found to be in breach, plus costs of \$15,000.00 to the General Legal Council. The costs and fine were ordered to be paid on or before the 13th May, 2011.

The order was made on the 7th May, 2011.

Lonnette A. Fisher-Lynch was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for

her failure to deliver Accountant's reports to the Secretary of the General Legal Council for the years 2003, 2004 2005, 2006, 2007, 2008 and 2009 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach, plus costs of \$10,000.00 to the General Legal Council making a total of \$80,000.00. The costs and fine were ordered to be paid on or before the 30th April, 2012.

The order was made on the 25th February, 2012.

Antoinette Haughton Cardenas was found guilty of professional misconduct for her failure to pay over the sum of \$2,600,000.00 received by her for the complainant in a suit which she acted for the complainant against Northern Caribbean University for wrongful dismissal and defamation. The defendant paid to Mrs. Haughton-Cardenas the sum of \$2,600,000.00 by cheque dated 18th April, 2008 which was lodged on the 22nd April, 2008. Mrs. Haughton failed to pay over the sum collected or any part thereof as she was required to do and she failed to account to the complainant for her money when she was reasonably required to do so in breach of Canon VII (b) of the Canons of Professional Ethics Rules. The attorney was ordered to pay to the complainant Hyacinth Rose the sum of \$2,600,000.00 together with interest at the rate of 10% per annum from the 22nd April 2008 to the date of payment. Mrs. Haughton Cardenas was also ordered to pay costs to the complainant in the sum of \$20,000.00.

The order was made on the 6th July, 2011.

Gladston Mapletoft Wilson was found guilty of professional misconduct contrary to Section 12 (1) of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver Accountant's Reports to the Secretary of the General Legal Council for the years , 2003, 2004, 2005 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 for each year that he was found to be in breach, plus cost of \$25,000.00 to the General Legal Council making a total of \$70,000.00. The costs and fine were ordered to be paid on or before the 23rd September, 2011.

The order was made on the 23rd July, 2011.

Robert Brown was found guilty of professional misconduct contrary to Section 12 (1) of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver Accountant's Reports to the Secretary of the General Legal Council for the years 1999, 2001, 2003, 2004, 2006, 2007, 2008 and 2009 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 for each year that he was found to be in breach, plus costs of \$15,000.00 to the General Legal Council making a total of \$130,000.00. The costs and fine were ordered to be paid on or before the 31st. October, 2011.

The order was made on the 1st October, 2011.

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to pay over the sum of \$2,920,450.47 received by her for the complainant in claim which she acted for the complainant against the Office of Disaster Preparedness and others. Judgment was entered on behalf of the Complainant in the sum of \$2,314,760.00. In settlement of the Judgment debt the Defendant paid to the Attorney, Mrs. Haughton-Cardenas the sum of \$2, 920,450.47 by cheque dated 27th March, 2009.

The attorney failed to pay over the proceeds of the cheque to the complainant, in breach of Canon VII (b). The panel held that the Attorney also breached Canon 1(b) of the canon of Professional Ethics Rules and has failed to maintain the honour and dignity of the profession of which she was a member. The attorney had already been struck off the roll in an unrelated matter but the Panel found it necessary to make a further strike off order.

By way of restitution, Mrs. Haughton Cardenas was ordered to pay to the complainant, Mr. Albert White \$1, 946,966.98 together with interest at the rate of 8% from the 1st day of April, 2009 to the date of payment. The attorney was also ordered to pay costs to the complainant in the sum of \$10,000.00.

The order was made on the 18th September, 2011.

Joseph Allen was found guilty of professional misconduct and was struck from the Roll of attorneys-at-law entitled to practice in Jamaica for his failure to pay over the sum of \$497,500.01 to the complainant. The attorney had acted for the complainant and

negotiated a settlement with Advantage General Insurance Company Limited and had collected payment on 23rd October, 2009. The complainant gave evidence that he was unable to collect the money from the respondent and by letter dated 26th November, 2009 the matter was brought to the attention of the General Legal Council.

On the 21st December, 2009 that letter was delivered to the attorney by a clerk employed to the General Legal Council and upon reading the letter, the attorney threw the letter into the garbage bin. After being struck off on the 14th October, 2010 the attorney had applied for a rehearing. He explained that on the date of the hearing he was in custody as he was arrested on the 31st December, 2009 and was remanded until 2nd December, 2010.

The application for rehearing was made by letter dated 4th July, 2011. The application was heard but the Panel was not satisfied that the attorney made out a good case for setting aside the order made on the 14th October, 2010. Although the attorney had stated that the money owed to the complainant had been repaid by his brother the Panel concluded that the money received by the attorney was not kept in a client's trust account in keeping with the Legal Profession (Accounts & Records) Regulations, 1999. The application for rehearing was refused.

The Order was made on the 26th September, 2011.

Debayo Adedipe was found guilty of professional misconduct in acting in the sale to the complainants of two parcels of land. The attorney was found guilty of inexcusable and deplorable negligence and neglect in breach of Canon IV (s) of the Legal Profession Canons of Professional Ethics Rules. Pursuant to section 12 (4) of the Legal Profession Act, the attorney was ordered to pay to the complainants the sum of \$1, 875,000.00 together with interest at the rate of 6 % per annum computed from 2nd May, 2009 to the date of payment. The attorney was also ordered to pay costs to the complainants on the sum of \$200,000.00.

The order was made on the 21st October, 2011.

Jermaine Simms was found guilty of professional misconduct for his failure to account to the complainant for all moneys in his hands for the complainant's account or credit although the complainant reasonably required him to do so. The attorney was also guilty on the grounds that he failed to deal with the complainant's business with all due

expedition. The attorney's name was struck from the Roll. The attorney was also ordered to pay the sum of \$50,000.00 to the General Legal Council as a contribution towards its costs. No order was made in relation to the complainant's cost.

The order was made on the 30th September, 2011.

Conrad Powell was found guilty of professional misconduct for his failure to account for the balance of proceeds which he held in the sum of \$10,520,000.00 or to show that he paid stamp duty and transfer tax due on the Agreement for Sale. The attorney was retained to obtain probate in the estate of Ida McPherson and to transfer the property to the purchaser, Leaford Satchwell. Rather than fulfill the terms of his retainer on February 15, 2010 the attorney delivered to the purchaser the duplicate Certificate of Title for the property, which has not been transferred. Having received the money to complete the transaction the attorney has taken no steps to transfer title for the property.

The Panel ordered that the attorney be struck off the Roll. The attorney was ordered to pay by restitution to Linford Bogle the sum of \$11,233,622.00 with interest at the rate of 6% per annum from the 19th August, 2009 to the date of payment. The attorney was also ordered to pay costs totaling \$12,000.00 to the complainant plus costs of \$20,000.00 to the General Legal Council.

The order was made on the 5th November, 2011.

Howard Lettman was found guilty of professional misconduct for his failure to provide the complainant with information as to the progress of her business in breach of Canon IV (r) of the Legal Profession (Canons of Professional Ethics) Rules. The attorney was retained to by the Complainant in an Agreement for Sale of land. The attorney has accounted for all money he had in relation to this mater and has not failed to account for the money in his hands.

The Panel however found that the attorney has not adequately kept his clients advised of the progress of the matter and in particular, waited far too long before preparing a written statement of account for his clients. The complaints listed in 4(b), (c) and (d) of the complaint was not made out. In the circumstances the panel ordered that the Attorney

pay a fine of \$50,000.00 to the General Legal Council plus costs of \$50,000.00. to the complainant.

The Order was made on the 3rd December, 2011.

Carlton Campbell was found guilty of professional misconduct for his failure to obtain Probate of Will for Nathaniel Adams. The original Will was handed to the attorney for the purpose and \$5,500.00 was paid to the attorney. To date the probate has not been obtained. The attorney was found to be in breach of Canon IV (o) of the Legal Profession (Canons of Professional Ethics) Rules. The attorney was ordered to pay a fine of \$100,000.00 all of which is to be paid to the complainant in part satisfaction of any loss or injury he may suffer particularly as the estate still requires probating and the cost to do so will have gone up exponentially. The attorney is also to pay costs of \$40,000.00 to the General Legal Council.

The Order was made on the 3rd December, 2011.

Harold Brady was found guilty of professional misconduct in breach of Canon 1 (b) of the Legal Profession (Canons of Professional Ethics) Rules for paying money to his client even though he knew that someone else was entitled to that money. The attorney was reprimanded for his misconduct and was further ordered to pay the amount of \$250,000.00 towards the complainant's costs within fourteen days of the date of 24th May, 2011.

The order was made on the 24th May, 2011.

Hugh Abel Levy was found guilty of professional misconduct for his failure to act with due expedition and failure to provide his clients with all information as to the progress of their business in breach of Canon IV (r) and in breach of Canon IV (s) of the Legal Profession (Canons of Professional Ethics) Rules. The attorney was retained to handle the preparation of the application for Probate of the Will in the Estate of Joseph Phillips and later in the sale of the property to Josephine Reece. The attorney failed to bring the transaction to a timely conclusion.

The Panel found that the attorney did not act dishonestly in that there was no evidence that he benefitted in any way from the delay the complainants have suffered and that his

failure to act was borne purely out of neglect. The Panel imposed a fine of Four Hundred Thousand Dollars (\$400,000.00); Two Hundred and Fifty Thousand Dollars (\$250,000.00), of the fine to be paid to the complainants and One Hundred and Fifty Thousand Dollars (\$150,000.00) to the General Legal Council. Mr. Levy is also to pay to the Complainants the sum of One Hundred and Forty-Four Thousand, Five Hundred and Twenty-Nine Dollars and Eighty-six cents (\$144,529.86) held on deposit for them as at 29th October, 2010 and interest thereon to 31st December, 2011.

The order was made on the 10th December, 2011.

24. Summary of Complaints 1st April, 2011 – 31 March, 2012

Number of Complaints pending at the commencement of the year (with hearing dates)	206	
Complaints scheduled to be considered at the general meeting	86	
Those scheduled to be set for hearing	<u>113</u>	405
Number of Complaint filed in the current year		<u>216</u>
		621
Number of Complaints considered at the general meeting of the Disciplinary Committee as at 31 March 2012:		
Number of complaints with prima facie case found	112	
Number of complaints with no prima facie case	71	
Number of complaints withdrawn	<u>04</u>	
	(75)	
Complaints dealt with at the hearings:		
Number of complaints withdrawn	48	
Number of complaints dismissed	23	
Number of complaints struck out for want of prosecution	05	
Number of complaints upheld	<u>14</u>	
	(110)	
Number of complaints disposed of		<u>(185)</u>
Number of complaints pending at the end of the year		436

There was an increase of 20 in the new complaints over the previous year.

25. INCOME AND EXPENDITURE

An audited statement of the Council's Income and Expenditure for the period 1st April, 2011 to 31st March, 2012 is set out below:

INCOME:

	\$
Practising Certificate Fee	23,394,500.00
Interest on Fixed Deposit	1,570,613.00
Miscellaneous	<u>636,448.00</u>
	25,601,561.00
Administrative and General	<u>(24,814,543.00)</u>
Surplus from operations	<u>787,018.00</u>

EXPENDITURE:

Advertising	964,005.00
Audit and accounting fees	499,500.00
Supreme Court Library	40,000.00
Utilities	1,293,791.00
Insurance	55,112.00
Legal and professional fees & expenses	4,597,610.00
Meeting expenses/workshop	1,034,654.00
Office expenses	295,852.00
Office Rent	694,500.00
Printing, stationery and postage	1,101,370.00
Repairs and maintenance	1,234,857.00
Salaries, wages and related costs	12,404,388.00
Security	187,491.00
Staff welfare	233,230.00
Travel	28,610.00
Bank Charges	<u>149,573.00</u>
	<u>\$24,814,543.00</u>

CONCLUSION

The General Legal Council faces various challenges. These include ensuring greater compliance with the Act and the Regulations, including the requirements that attorneys file annual accounting reports and hold current practising certificates. The Council is also seeking to improve the efficiency of its operations, and in particular, to expedite the processes of dealing with complaints.

In 2012-2013, it is expected that the Legal Profession Act will be amended to authorize the Council to take action to protect clients' files and property, to establish a compensation fund and to provide for mandatory continuing legal professional development. There will also be a significant increase in the number of new attorneys. The Council is preparing to deal with these additional responsibilities, and may make further representations to the Ministry and Parliament for changes to the legislation.

CHAIRMAN**SECRETARY****DATE**